

RESPONSE TO REJECTIONS OF RECORD

Claims 5, 6 and 9-11 are under consideration, since claims 7 and 8 have been cancelled. Claims 7 and 8 are essentially incorporated into claim 6.

Claim 6 has been amended to recite the specific measurement that is deemed to result in identification of salt sensitivity. It is believed the rejection of claims 6 and 10 are overcome thereby, since it is clear from the claim that high radioactivity in the sample of urine to which no 25-hydroxyvitamin D was added indicates high salt sensitivity. Hence, it is believed that the rejection under 35 U.S.C. 112, second paragraph has been overcome.

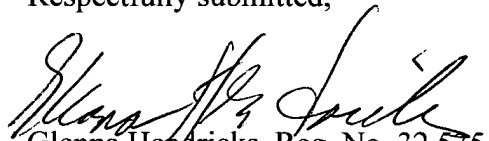
Claims 5, 9 and 11 have been rejected under 35 U.S.C. 103(a) as unpatentable over DeLuca, et al (U.S. Patent 4,269,777) and Norman, et al. (U.S. Patent 3,772,150). The rejection is respectfully traversed. DeLuca teaches only how to make labeled vitamin D. He has no suggestion of any kit with separate containers of the labeled 25-hydroxyvitamin D and unlabeled hydroxyvitamin D, nor does he give any reason why such would be of any use. His patent only discloses how to make a particular group of novel compounds. It is not urged that the claimed invention has novel compounds, but it is urged that the preparation of a kit containing the components required in the claims is not even suggested, nor is there any motive to make such kits in the cited art.

Norman does not give any suggestion that would direct one to the claimed invention. Norman has a method for making a metabolite of vitamin D using mitochondrial preparations which produce the polar metabolite. No suggestion of any kit containing both radio-labeled 25-hydroxyvitamin D and unlabeled 25-hydroxyvitamin

D or any form thereof suggested therein. No motivation to even use both components in an assay are seen therein.

It urged that the claims are now in condition for allowance. Allowance of the claims as presented is requested. If communication with the undersigned would likely facilitate prosecution, the examiner is invited to contact the undersigned at 703 626 1405. (This is a new cell phone number, since the office is in the process of being moved.)

Respectfully submitted,



Glenna Hendricks, Reg. No. 32,535